

**MADISON COUNTY PLANNING BOARD
MEETING MINUTES
Madison County Administration Building Conference Room
April 27, 2020**

1. Call to Order: 6:15 p.m. by President Darlene Tussing

2. Roll Call:

Members present: Pat Bradley, Del Bieroth, April Gerth, David Laufenberg, Jacqueline Lev, Tamara Millican-Wood, Rita Owens, Lincoln Roberts, and Laurie Schmidt.

Staff present: Alex Hogle (Planning Director) and Michelle Schriock (Planning Clerk)

Others present: Kevin Germain (Moonlight Basin/Lone Mountain) Keely Larson (Madisonian Newspaper)

3. Minutes: April 27, 2020

<p>Schmidt motioned February 24, 2020 minutes will be reviewed in next meeting prior to approval after corrections. Planning Board was in agreement.</p>

4. President's Comments: Thanked Bradley for chairing the past meetings in her absence.

5. Opportunity for Public Comment for Items Not on the Agenda: Germain thanked the Planning Board and Planning Department for their work and productivity during the Covid-19 Crisis.

6. Statement of Conflict of Interest/Ex Parte Communications: None

7. Monthly Report:

Hogle reviewed Monthly Planning Department Reports for March and April, which have been provided to the board. The reports cover specifics regarding exemption review board, subdivision, pre-construction safety reviews, floodplain development, road naming, staffing and daily routine. Of note for the month of April, Spanish Peaks ODP Update status and timing. MT DNRC Floodplain Management Program re: DRAFT Floodplain Mapping and Flood Studies for 1)Jefferson River, 2)Ruby-Beaverhead Rivers, and 3) Mill Creek, Indian Creek, and S. Fork Boulder River. Discussed COVID-19 crisis as staff maintained presence and functioning in the office. Continued communications and attempted coordination of Webex meetings between Planning Board, Staff, and IT 4/8/20 and 4/22/20.

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8. Board Functioning: Standard Operating Procedures (SOP's)

Schmidt referred to the SOP's revisions provided to Planning Board Members

Planning Board Comments/Questions:

Bradley: Pointed out that the updates are comprehensive and they function as a tool to any questions on how the Planning Board operates.

Hogle Suggestions -

1. Under, Procedures: Suggested to potentially add a section regarding procedures for 'Public Meetings' which could address public notice standards and establish a time frame for distribution of Planning Board packets.
2. 'Quorum /Motion/Voting': requested the language in second sentence would read as 'at regular, special or public hearings'.
3. 'Conflict of Interest' –If employees of a specific department that has a current proposal with the planning department, are they a conflict of interest?
4. Another example is if someone works for the company, they have nothing to do with the administrative end of that business, would this constitute a conflict of interest?
5. Is there a difference between wages, compensation or salary compared to a gift of substantial value?

Bradley: This title is referring to the agenda topic acknowledging the conflict of interest/ex parte. If there is a conflict of interest, express it and if the person is working for, related to, or know people associated with a current project, it gives the board and the public a chance to be aware that there is a conflict present during the meeting.

Schmidt: If there is a conflict of interest, express it and recuse themselves per the Montana Planning Handbook.

Tussing: That person can participate in discussion but not vote.

Gerth: Do virtual meetings constitute being physically present? Other planning board members questioned that as well. Schmidt and Tussing – this would be a decision that would need to be researched further for the quorum 'physical presence' with the current COVID-19 crisis and phases to come.

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Hogle: The governor issued a statement in March, for current directives to toll and hold in abeyance timeframes associated with subdivision activity. Local governments are encouraged to find ways to provide for the right of public participation consistent with social distancing practices, including virtual participation where legal and practicable.

Schmidt: When this is taken to the commissioners, the need to fill vacancies needs to be at the recommended amount with equal and fair representation of the county.

Tussing: This will need to be added to recommendations to the Commissioners to fill the vacancy and bring the board to the required 11 members.

Bieroth motioned to approve the revised SOP's provided by Schmidt, seconded by Bradley. Motion carried.

9. Old Business: None

10. New Business:

- Planning Board Member reports : None
- Other: Planning Board Discussion regarding virtual meetings and concerns:

Hogle: Recognized the challenges we're experiencing during the Covid-19 crisis and making attempts for the public's awareness and participation when meetings or hearings are being held. The applicant's binder for public viewing typically are in consistent locations at the Ennis Library, Big Sky Fire Department, Commissioner's Office, and the Planning Department's Office. The notices are also posted in libraries throughout the county. This is now the challenge where they're placed as the public currently isn't able to come into the buildings to view the binders due to closures. After speaking with the Ennis Library, they can place the applicant's binder in their vestibule; this is not necessarily a secure area to view the documents. These binders typically remain at the locations for a long period and there is concern for the binder remaining intact (i.e. pages could be taken out, pages disorganized, or damaged, etc.). We have acknowledged the problem of past legal notices being posted online and in post offices throughout the county. Of concern is the public has a solid internet connection and/or a smart phone with consistent service to be able to be in attendance during the virtual meetings with the functionality of being able to listen to the meeting and comment. On those notices, it could be written how they can go to the Ennis Library Vestibule, make an appointment with the Planning Department,

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having the ability to call and ask questions, email the documents, or download the file available from the applicant located on the Planning Department's website.

Germain: He believes there's a vestibule in Big Sky as well for a binder.

Schmidt: There is a need for clarification for the public to connect. Tonight's meeting is going well, but there has to be a process where people can comment, be recognized and able to participate in the meeting. The past two attempts had issues. As the Planning Board and Planning Department are familiarizing themselves with how to function in the meetings, it could work with more practice sessions. She also noted the concerns about having new meeting codes. Lukshaw explained that the previous version of the web application used was a free version, with that version every time a meeting was set up, it would change the meeting number, meeting code and phone codes. A professional version with upgrades has now been purchased. The IT department had to create new meeting codes and now consistency in the meeting numbers and meeting codes should be on a more stable basis and not dealing with the problems of past meetings. Schmidt – Does this apply to phone codes as well? Lukshaw – yes.

Schmidt: Is the Planning Department available to the public during this shutdown. Hogle – yes, he has on occasion met a person in front of the office for documents, delivered documents and one person has been able to come into the building to sign a plat. When announced by the Governor that Phase II is in effect, this could enable ease of access to the mentioned binders and documents. Hogle's concern is to schedule a public hearing in May, the newspaper would need to be notified by 5:00 p.m. Friday May 1, 2020 and the legal notice would have to state it is a virtual meeting including the codes. It would be questionable if the May 26th meeting could happen depending on the Governor's directive if Phase II goes into in effect.

Germain: Per the Governor's directive, Phase I would allow up to 10 people and Phase II would allow up to 50 people in a public meeting area.

Tussing: Concerned about the opportunity for giving public the opportunity to comment via email or written response and being able to view the documents and in regards to the public hearing portion of a meeting that the public would have the availability to express comment and voice their concerns or questions.

Laufenberg: How are other counties approaching these? Hogle – to his knowledge, no other counties are holding virtual meetings for preliminary plat review or public hearings.

Continued discussion included when the different Phases are in effect, how are they going affect public hearings? Some suggestions made would be accommodating other buildings for physical attendance with the planning board, planning department, developer/applicant and the public, while still addressing the needs for people at risk and not able to attend the meeting in person. A suggested idea is adding

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details in legal notices having the instructions for a virtual meeting .Once Phase II comes into effect; other options could become readily available and allowing more people to be in physical attendance while still recognizing the social distancing and directives. The planning board concluded to maintain the postponement for May's public hearing yet still have a regular Planning Board meeting and ~~in May~~ have the public hearing in June.

- 11. Adjournment:** Meeting was adjourned at 8:45 p.m.



Darlene Tussing, President



Michelle Schriock, Secretary

